

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FREDDY ARIAS,

No. C 08-4407 MEJ

Plaintiff(s),

**ORDER DIRECTING PARTIES TO FILE
CONSENT/DECLINATION FORM**

vs.

DEPARTMENT OF THE ARMY, et al.,

**ORDER VACATING MARCH 12, 2009
CMC**

Defendant(s).

Pending before the Court is Defendants' motion to dismiss. Upon review of the record in this action, the Court notes that Plaintiff has not filed a written consent to Magistrate Judge James' jurisdiction or request for reassignment to a United States District Court judge for trial. This civil case was randomly assigned to United States Magistrate Judge Maria-Elena James for all purposes including trial. In accordance with Title 28, U.S.C. § 636(c), the magistrate judges of this District Court are designated to conduct any and all proceedings in a civil case, including a jury or non-jury trial, and to order the entry of final judgment, upon the consent of the parties. An appeal from a judgment entered by Magistrate Judge James may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of a district court.

You have the right to have your case assigned to a United States District Judge for trial and

1 disposition. Accordingly, Plaintiff shall inform the Court whether Plaintiff consents to Magistrate
2 Judge James' jurisdiction or requests reassignment to a United States District Judge for trial. A copy
3 of both the consent and declination forms may be obtained from the Northern District of California's
4 website at <http://www.cand.uscourts.gov/>. From the homepage, click on the "Forms" tab on the left
5 margin, then choose "Civil." The consent/declination form shall be filed as soon as possible, but no
6 later than February 19, 2009.

7 Further, as the hearing on Defendants' motion to dismiss is scheduled on the same date as the
8 case management conference, the Court hereby VACATES the March 12, 2009 C.M.C. The Court
9 shall reschedule the conference, if necessary, after ruling on Defendants' motion.

10 **IT IS SO ORDERED.**

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12 Dated: February 9, 2009

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15 MARIA ELENA JAMES
16 United States Magistrate Judge
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